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8 BEATRIZ P.,
9 Plaintiff,
10 v.
11 ACTING COMMISSIONER OF SOCIAL
12 SECURITY, et al.,
13 Defendants.

Case No. [25-cv-02608-PHK](#)

ORDER TO SHOW CAUSE

14 This is a Social Security appeal filed by Plaintiff Beatriz P. (“Plaintiff”) against the Acting
15 Commissioner of the Social Security Administration (“Commissioner”) pursuant to 42 U.S.C.
16 § 405(g). [Dkt. 1]. Defendant has consented to proceed before a United States Magistrate Judge
17 for all purposes, including the entry of a final judgment under 28 U.S.C. § 636(c). [Dkt. 5]. The
18 matter is presently before the Court regarding Plaintiff’s failure to comply with the Court’s
19 Procedural Order and deadline for filing an opening brief.

20 Plaintiff commenced this action on March 17, 2025, by filing a form Social Security
21 Complaint. [Dkt. 1]. On March 19, 2025, the Clerk issued the Court’s standard Procedural Order
22 for Social Security appeals, setting forth the mandatory schedule and deadlines governing this case.
23 [Dkt. 4]. Among other things, the Procedural Order requires that Plaintiff “must file and serve on
24 the Commissioner a brief for the requested relief within 30 days after the answer is filed.” *Id.*

25 On May 19, 2025, the Commissioner answered the Complaint by filing a certified copy of

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¹ In actions involving requested review of a decision by the Commissioner of the Social Security
28 Administration, the Court generally uses the first name and initial of last name (or just the initials)
of the plaintiff in the Court’s public Orders out of an abundance of caution and out of regard for the
plaintiff’s potential privacy interests.

1 the administrative record. [Dkt. 7]. Pursuant to the Procedural Order entered in this case, Plaintiff's
2 opening brief was therefore due June 18, 2025. *See* Dkt. 4; *see also* Fed. R. Civ. P. 6(a). To date,
3 Plaintiff has not filed her opening brief. Nor has Plaintiff sought an extension of the deadline to do
4 so from this Court.

5 The Court has authority under Federal Rule of Civil Procedure 41(b) to dismiss an action if
6 a plaintiff fails to prosecute the case or fails to comply with Court Orders. *See Hells Canyon*
7 *Preservation Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) (recognizing that a
8 court may *sua sponte* dismiss an action pursuant to Rule 41(b)); *see also Link v. Wabash R. Co.*,
9 370 U.S. 626, 629 (1962) (“The authority of a federal trial court to dismiss a plaintiff's action with
10 prejudice because of his failure to prosecute cannot seriously be doubted.”); *Ferdik v. Bonzelet*, 963
11 F.2d 1258, 1260 (9th Cir. 1992) (“District courts have the inherent power to control their dockets
12 and, ‘[i]n the exercise of that power they may impose sanctions, including, where appropriate, . . .
13 dismissal of a case.’”). So far, the record demonstrates that Plaintiff here has failed to prosecute
14 this action by failing to file their opening brief, and Plaintiff has failed to comply with the Court's
15 Procedural Order entered in this case.

16 Accordingly, the Court find and hereby provides **NOTICE** that Plaintiff's failure to
17 prosecute this action and comply with the Procedural Order deadline is grounds for the dismissal of
18 this case, in its entirety, in the absence of any justification for that failure. The Court nevertheless
19 exercises its discretion and inherent authority, and in lieu of ordering dismissal of this case at this
20 time, the Court issues this Order to Show Cause.

21 Accordingly, **IT IS HEREBY ORDERED THAT:**

22 On or before **July 28, 2025**, Plaintiff **SHALL** file a response with the Court which explains
23 and shows cause in writing why the Court should not dismiss this case due to Plaintiff's failure to
24 prosecute and failure to comply with the Procedural Order's deadline for filing her opening brief.

25 Instead of a response to this Order which shows cause to explain the failures noted above,
26 Plaintiff may simply file her opening brief in this case on or before **July 28, 2025**. Such opening
27 brief, if timely filed, will automatically discharge this Order to Show Cause without the need for
28 Plaintiff to file a separate response to this Order.

The Court hereby provides Plaintiff **NOTICE** that failure to comply with this Order to Show Cause, as directed herein, may result in further negative consequences for this action, up to and including dismissal of this action, in its entirety, pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED.

Dated: July 10, 2025


Peter H. Kang

PETER H. KANG
United States Magistrate Judge

United States District Court
Northern District of California